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2008 MAY 20 AM 8:25

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY Rm DEPUTY

MEMORANDA

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MAY 15 2008

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EXHIBIT
II.

MERITORIOUS-CLAIMS

LOGdE NO. 07cv2183-DMS (BBB)

CASE NO. SCE-243538

1 of 2

**FILE
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James H. Cunningham

V-72323

P.O. Box 8101

San Luis Obispo

* Pro Per *

U.S. District Court Southern District of
California

Logment # 07cv-2183-DMS(RBS)

CASE NO. SCE243538

James H. Cunningham (Petitioner)

Vs.

John Marshall (Warden)

Permission: To function UNDER Prison-Law
San QuentinPrison Law Office General Delivery
San Quentin, CA 94964ROSEN, BIEN & Kalvan, LLP: Post Office Box
390 San Francisco, CA 94104.To The Honorable Magistrate Ruben B. Brooks.

First and foremost Petitioner would like to apologize to the Honorable Courts for any delay or misunderstanding. Petitioner being a layman blind most in legal proceedings and proceeds by trial and error. Petitioner will compel belief in his response to opposition and potential traverse. And humbly ask the courts for a 5 to 10 day extension for extenuating circumstances.

There are claims to raise on a stay of abeyance. Asserting one's privilege to claims mention is JURY voir dire, illegally obtained evidence, misapplication of the law by counsel, mental competence and other issues to formulate my stay of abeyance if granted by the Honorable Court.

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

I am the party of the above entitled actions, a citizen of the United States and over the age of eighteen years, and a resident of San Luis Obispo County. My current address is:

California Men's Colony-East
P.O. Box 8101 Room _____
San Luis Obispo, CA. 93409-8101

I CERTIFY (OR DECLARE), UNDER PENALTY OF PERJURY, THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 5-2, 2008, AT SAN LUIS OBISPO, CALIFORNIA, 93409-8101.

JAMES H. Cunningham
PETITIONER

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

I AM A RESIDENT OF SAID COUNTY, I AM OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE ABOVE ENTITLED ACTION. MY BUSINESS ADDRESS IS:

CALIFORNIA MEN'S COLONY-EAST
P.O. BOX 8101 / Room _____
SAN LUIS OBISPO, CALIFORNIA 93409-8101

ON 5-2, 2008, I SERVED THE WITHIN
To the Southern District Court Clerk, Logment 07CV-2183 -
To send copies Logments 07CV-2183 DMS (RBB) DMS (RBB)
CASE NO. SCE243538

ON THE PARTY: U.S. Southern District Court of California

IN SAID ACTION, BY PLACING A TRUE COPY THEREOF IN A SEALED ENVELOPE WITH POSTAGE THEREON PREPAID, IN THE UNITED STATES MAIL, AT CALIFORNIA MEN'S COLONY, SAN LUIS OBISPO, CALIFORNIA, 93409-8101, ADDRESSED AS FOLLOWS:

PERMISSION: to function under Prison-LAW SAN QUENTIN

(TRUE ABOVE) Prison Law office General Delivery
SAN QUENTIN, CA 94964

ROSEN, BIEU & GALVAN, LLP, Post Office Box 390 SAN FRANCISCO, CA 94104

I DECLARE, UNDER PENALTY OF PERJURY, THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 5-2, 2008, AT SAN LUIS OBISPO
COUNTY, CALIFORNIA.

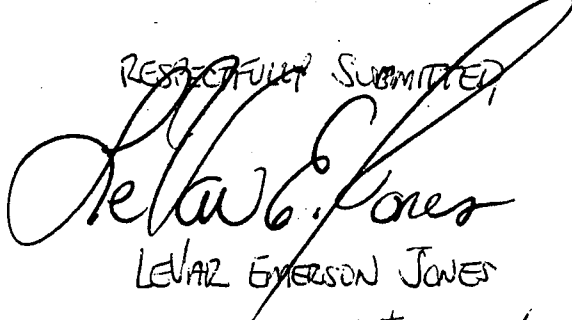
[Signature]
SIGNATURE OF DECLARANT

I, LEVAR EMERSON JONES #T-92176 HAVE BEEN HELPING OUT AS ANOTHER JAILHOUSE LAWYER MR. JAMES HENRY CUNNINGHAM #U-72323 WHO IS SUFFERING FROM A MENTAL DISABILITY AND CANNOT COMPREHEND THE LAW, ITS PROCEDURES, OR ITS RULES.

MR. CUNNINGHAM CANNOT ARTICULATE THE BASIC SPELLING, PUNCTUATION, OR GRAMMAR TO SUCCESSFULLY COMPLETE A TRAVERSE, MOTION, OR ANY OTHER DOCUMENT TO INFORM THE COURTS OF AN ILLEGAL AND UNJUST INCARCERATION.

I, LEVAR EMERSON JONES #T-92176 HAVE BEEN ASSISTING MR. CUNNINGHAM IN PREPARING HIS TRAVERSE AND ANY OTHER DOCUMENT THAT IS NEEDED TO EFFECTIVELY ATTACK THE ILLEGALITY OF HIS CONVICTION.

RESPECTFULLY SUBMITTED,


LEVAR EMERSON JONES
#T92176